

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOWNTOWN MUSIC PUBLISHING LLC,
OLE MEDIA MANAGEMENT, L.P., BIG
DEAL MUSIC, LLC, CYPMP, LLC, PEER
INTERNATIONAL CORPORATION, PSO
LIMITED, PEERMUSIC LTD., PEERMUSIC
III, LTD., PEERTUNES, LTD., SONGS OF
PEER LTD., RESERVOIR MEDIA
MANAGEMENT, INC., THE RICHMOND
ORGANIZATION, INC., ROUND HILL
MUSIC LLC, THE ROYALTY NETWORK,
INC., and ULTRA INTERNATIONAL MUSIC
PUBLISHING, LLC,

Plaintiffs and Counterclaim
Defendants, and

DEVON MUSIC, INC., ESSEX MUSIC, INC.,
ESSEX MUSIC INTERNATIONAL, INC.,
FOLKWAYS MUSIC PUBLISHERS, INC.,
HAMPSHIRE HOUSE PUBLISHING CORP.,
HOLLIS MUSIC, INC., LUDLOW MUSIC,
INC., MELODY TRAILS, INC., MUSICAL
COMEDY PRODUCTIONS, INC., PALM
VALLEY MUSIC, LLC, WORDS & MUSIC,
INC., GREENSLEEVES PUBLISHING
LIMITED, ME GUSTA MUSIC, LLC, ROUND
HILL MUSIC LP, STB MUSIC, INC., and
TUNECORE, INC.,

Plaintiffs, and

NATIONAL MUSIC PUBLISHERS'
ASSOCIATION, INC.,

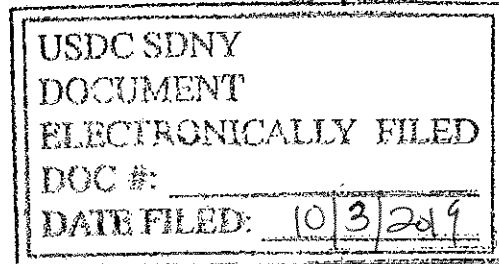
Counterclaim Defendant,

v.

PELOTON INTERACTIVE, INC.,

Defendant and Counterclaim
Plaintiff.

No. 19 CV 02426 (DLC)



JOINT ~~PROPOSED~~⁹ AMENDED SCHEDULING ORDER

Plaintiffs Downtown Music Publishing LLC, Anthem Entertainment L.P. (f/k/a ole Media Management, L.P.), Big Deal Music, LLC, CYPMP, LLC, doing business as Pulse Music Group, Peer International Corporation, PSO Limited, Peermusic Ltd., Peermusic III, Ltd., Peertunes, Ltd., Songs of Peer, Ltd., Greensleeves Publishing Limited, Me Gusta Music, LLC, Reservoir Media Management, Inc., The Richmond Organization, Inc., Devon Music, Inc., Essex Music, Inc., Essex Music International, Inc., Folkways Music Publishers, Inc., Hampshire House Publishing Corp., Hollis Music, Inc., Ludlow Music, Inc., Melody Trails, Inc., Musical Comedy Productions, Inc., Palm Valley Music, LLC, Words & Music, Inc., Round Hill Music LLC, Round Hill Music LP, The Royalty Network, Inc., STB Music, Inc., TuneCore, Inc. and Ultra International Music Publishing, LLC (collectively, the “Publishers”), Counterclaim Defendant National Music Publishers’ Association, Inc. (“NMPA”) and Defendant Peloton Interactive, Inc., by and through their undersigned attorneys, hereby submit the following proposed amended Scheduling Order.

A. Proposed Discovery Plan

- 1. Close of Fact Discovery:** Fact discovery will close on March 6, 2020.
- 2. Expert Reports Due:** Expert reports and disclosure of expert testimony conforming to the requirements of Rule 26(a)(2)(B) by the party bearing the burden on an issue will be due on April 10, 2020.
- 3. Rebuttal Expert Reports Due:** Identification of rebuttal experts and disclosure of their expert testimony will be due on May 15, 2020.
- 4. Close of Expert Discovery:** Expert discovery will close on June 12, 2020.

5. **Dispositive Motions Due:** Any motion for summary judgment will be served by July 3, 2020. Any opposition will be served by July 24, 2020. Any reply will be due by August 7, 2020.

6. **Joint Pretrial Order:** In the event no dispositive motion is filed, a Joint Pretrial Order will be filed by July 3, 2020.

As described in greater detail in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Voir Dire, Requests to Charge and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive papers are due one week thereafter. Counsel will provide the Court with two (2) courtesy copies of all pretrial documents at the time of filing.

Dated: New York, New York
October 2, 2019

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Attorneys for Peloton Interactive, Inc.

IT IS SO ORDERED this ____ day of October, 2019

The Honorable Denise Cote
United States District Judge